



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO.13583 OF 2022
AND
W.M.P.NOS.12795 & 12797 OF 2022

1.Shirley Devaraj
2.Sathish Devaraj .. Petitioners

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Greater Chennai Corporation,
Zonal Office -XII, Rep. by its
Executive Engineer (Zone 12),
No.1, New Street, Alandur,
Chennai, Tamil Nadu - 600 016. .. Respondents

Prayer:

Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the 2nd respondent to forbear from taking coercive steps pending disposal of the appeal preferred by the petitioner challenging the Notice No.Nil, dated 13/04/2022 issued by the respondent received on 28.04.2022, under Sections 56 and 57 read with Section 85 of the TNTCP Act, 1971 filed on 11.05.2022 pending on the file of the first respondent.

For Petitioners : Mr.G.Vijayakumar

For Respondent 1 : Mr.P.Sathish
Additional Government Pleader

For Respondents 2 : Mr.P.Manoj Kumar



O R D E R
(Order of the Court was made by M.S.RAMESH, J.)

The petitioners herein have preferred an appeal under Section 80-A of the Town and Country Planning Act, 1971, against the proceedings of the second respondent, dated 13.04.2022 and simultaneously, the petitioners herein have also filed the present writ petition challenging the very same order. When an appeal is pending before the appellate authority, it would not be appropriate to parallelly adjudicate the present writ petition. It is the apprehension of the petitioners that since they have already filed an application before the Appellate Authority, seeking for stay of the proceedings, which has not been taken up for hearing, the respondents may take coercive action in the meantime. This Court is of the view that if the appellate authority is directed to dispose of the stay application within a stipulated time, the petitioners' apprehension could be redressed and the ends of justice can be secured.

2. In the light of the above observations, the writ petition is disposed of with a direction to the first respondent herein to dispose of the stay application filed by the petitioners along with the appeal filed under Section 80-A of the Town and Country Planning Act, within a period of three months from the date of receipt of a copy of this order. In the meantime, there shall be an order of interim stay of all further proceedings pursuant to the proceedings of the second respondents herein in Notice No.Nil, dated 13.04.2022, till the disposal of the stay application. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

kk/drm

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.



2. The Executive Engineer (Zone 12)
Greater Chennai Corporation,
Zonal Office -XII,
No.1, New Street, Alandur,
Chennai - 600 016.
Chennai, Tamil Nadu - 600 016.

+2ccs to Mr.P.Manoj Kumar, Advocate, S.R.No.32090
+1cc to Mr.G.Vijayakumar, Advocate, S.R.No.32034

W.P.No.13583 of 2022 and
W.M.P.Nos.12795 & 12797 of 2022

GPL (CO)
PM/14/06/2022